

COLLINSON LAW  
A Professional Corporation  
Laura E. Inlow, State Bar No. 130584  
E-mail: [inlow@collinsonlaw.net](mailto:inlow@collinsonlaw.net)  
Babak Kheiri, State Bar No. 302656  
E-mail: [babak@collinsonlaw.net](mailto:babak@collinsonlaw.net)  
21515 Hawthorne Blvd., Suite 800  
Torrance, California 90503  
Telephone: (424) 212-7777  
Facsimile: (424) 212-7757

Attorneys for Defendants, RICARDO HUERTA, RUDOLPH RIVERA, and  
ALDO QUINTERO

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

RUFINA MOLINA, ESTATE OF LUIS  
MARTINEZ, by and through successor in  
interest, RUFINA MOLINA,

Plaintiffs,

v.

CITY OF LOS ANGELES; RICARDO  
HUERTA, RUDOLPH RIVERA, ALDO  
QUINTERO, and DOES 1 through 10,  
inclusive,

Defendants.

**CASE NO. CV16-1293 ODW(ASx)**  
Hon. Otis D. Wright

**ANSWER BY DEFENDANTS  
RICARDO HUERTA,  
RUDOLPH RIVERA, AND  
ALDO QUINTERO TO  
PLAINTIFFS' COMPLAINT  
FOR DAMAGES AND DEMAND  
FOR JURY TRIAL**

COME NOW Defendants RICARDO HUERTA, RUDOLPH RIVERA, and  
ALDO QUINTERO answer the Plaintiffs' Complaint for Damages for themselves  
and no other party, admit, deny and allege as follows:

1. Answering paragraph 1, no factual allegations are made therein, and  
on that basis the paragraph goes unanswered.

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1           2.     Answering paragraph 2, no factual allegations are made therein, and  
2 on that basis the paragraph goes unanswered.

3           3.     Answering paragraph 3, no factual allegations are made therein, and  
4 on that basis the paragraph goes unanswered.

5           4.     Answering paragraph 4, defendants admit the allegations contained  
6 therein.  
7

8           5.     Answering paragraph 5, defendants admit the allegations contained  
9 therein.  
10

11           6.     Answering paragraph 6, defendants lack sufficient information and  
12 belief upon which to answer the allegations contained therein, and on that basis  
13 deny the allegations.  
14

15           7.     Answering paragraph 7, no factual allegations are made therein, and  
16 on that basis the paragraph goes unanswered.  
17

18           8.     Answering paragraph 8, defendants lack sufficient information and  
19 belief upon which to answer the allegations contained therein, and on that basis  
20 deny the allegations.  
21

22                           **FACTS COMMON TO ALL COUNTS**  
23

24           9.     Answering paragraph 9, defendants deny the allegations contained  
25 therein.  
26  
27  
28

1           10.    Answering paragraph 10, defendants deny the allegations contained  
2 therein.

3           11.    Answering paragraph 11, defendants deny the allegations contained  
4 therein.  
5

6           12.    Answering paragraph 12, defendants deny the allegations contained  
7 therein.  
8

9                               **FOR THE FIRST CAUSE OF ACTION**  
10                           **(Based on Excessive Force/Unreasonable Seizure)**  
11                           **(Violations of Civil Rights [42 U.S.C. §1983])**

12           13.    Answering paragraph 13, which incorporates by reference the  
13 allegations of other paragraphs of the pleading, defendants to the same extent  
14 incorporate by reference the answers provided herein to those paragraphs.  
15

16           14.    Answering paragraph 14, defendants deny the allegations contained  
17 therein.

18           15.    Answering paragraph 15, defendants deny the allegations contained  
19 therein.  
20

21           16.    Answering paragraph 16, defendants deny the allegations contained  
22 therein.  
23

24           17.    Answering paragraph 17, defendants deny the allegations contained  
25 therein.  
26

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1           18.    Answering paragraph 18, defendants deny the allegations contained  
2 therein.

3           19.    Answering paragraph 19, defendants deny the allegations contained  
4 therein.  
5

6           20.    Answering paragraph 20, defendants deny the allegations contained  
7 therein.  
8

9                           **FOR THE SECOND CAUSE OF ACTION**  
10                          **(Based on Interference with Familial Integrity and**  
11                          **Substantive Due Process Violation)**  
12                          **(Violations of Civil Rights [42 U.S.C. §1983])**

13           21.    Answering paragraph 21, which incorporates by reference the  
14 allegations of other paragraphs of the pleading, defendants to the same extent  
15 incorporate by reference the answers provided herein to those paragraphs.  
16

17           22.    Answering paragraph 22, no factual allegations are made therein, and  
18 on that basis the paragraph goes unanswered.  
19

20           23.    Answering paragraph 23, defendants deny the allegations contained  
21 therein.  
22

23           24.    Answering paragraph 24, defendants deny the allegations contained  
24 therein.  
25

26           25.    Answering paragraph 25, defendants deny the allegations contained  
27 therein.  
28

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27. Answering paragraph 27, defendants deny the allegations contained therein.

As separate and distinct affirmative defenses, Defendants allege each of the following:

### **(Failure To State A Cause of Action)**

**SECOND AFFIRMATIVE DEFENSE TO THE COMPLAINT AND**  
**EACH PURPORTED CAUSE OF ACTION THEREIN**

2. Defendants are protected from liability under the doctrine of qualified immunity because the alleged conduct of Defendants did not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

**THIRD AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED CAUSE OF ACTION THEREIN**

**(Contributory Negligence)**

3. Defendants allege that the decedent was negligent in that he failed to use ordinary care, caution and prudence in and about the matters alleged in the Complaint and in each cause of action therein. These answering Defendants further allege that the damages alleged were directly and proximately caused and contributed to by the negligence of the decedent and the extent of damages sustained, if any, should be reduced in proportion to the amount of said negligence.

**FOURTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Statute of Limitations)**

4. Some or all of plaintiffs' claims may be barred by the Statute of Limitations.

**FIFTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION  
THEREIN**

**(Reasonable Suspicion/Probable Cause)**

5. At all times relevant to this litigation, reasonable suspicion and /or probable cause existed to believe that the decedent had committed a public offense and, therefore, defendants' actions were reasonable and appropriate.

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**SIXTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION  
THEREIN**

**(Failure to Mitigate Damages)**

6. Plaintiffs have failed, in whole or in part, to mitigate their damages.

**SEVENTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Reasonable Force)**

7. The force used by defendants, if any, was reasonable and authorized by law. The force used against the decedent, if any, was caused or necessitated by the actions of the decedent, and/or were reasonable and necessary for the defense of others.

**EIGHTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Lack of Standing)**

8. Plaintiffs' claims may be barred because they lack standing to sue.

**NINTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Good Faith)**

9. At all times relevant herein, defendants acted in good faith, without malice, and within the scope of their duties as peace officers.

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**TENTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Self-Defense)**

10. The force used against decedent, if any, was caused and necessitated by the actions of decedent, and was reasonable and necessary for self-defense.

**ELEVENTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Defense of Others)**

11. The force used against decedent, if any, was caused and necessitated by the actions of decedent, and was reasonable and necessary for the defense of others.

**TWELFTH AFFIRMATIVE DEFENSE TO THE COMPLAINT AND  
EACH PURPORTED STATE LAW CAUSE OF ACTION THEREIN**

**(Assumption of Risk)**

12. Decedent had actual knowledge of the condition and particular danger alleged, knew and understood the degree of risk involved, and voluntarily assumed such risk.

**THIRTEENTH AFFIRMATIVE DEFENSE TO THE COMPLAINT  
AND EACH PURPORTED STATE LAW CAUSE OF ACTION  
THEREIN**

**(Reservation of Rights)**

13. These defendants presently have insufficient knowledge or information upon which to form a belief as to whether they may have additional affirmative defenses to plaintiffs' Complaint. As such, defendants reserve the right



1 to assert additional defenses in the event that discovery indicates that such defenses  
2 are appropriate.

3 **DEMAND FOR JURY TRIAL**

4  
5 Defendants hereby demand and request a trial by jury in this matter.

6 WHEREFORE, Defendants pray for judgment as follows:

- 7 1. That Plaintiffs take nothing by this action;  
8  
9 2. That the action be dismissed;  
10  
11 3. That Defendants be awarded costs of suit;  
12  
13 4. That Defendants be awarded other and further relief as the Court may

14 deem just and proper, including an award of attorney fees pursuant to  
15 42 U.S.C. §1988.

16 DATED: April 1, 2016

17 COLLINSON LAW  
18 A Professional Corporation

19 By: \_\_\_\_\_/s/\_\_\_\_\_

20 Laura E. Inlow, Esq.  
21 Babak Kheiri, Esq.  
22 Attorneys for Defendants,  
23 RICARDO HUERTA,  
24 RUDOLPH RIVERA, and  
25 ALDO QUINTERO  
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